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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,158	01/28/2000	Erno Kovacs	450117-02354	3100
20999	7590	03/26/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PERSINO, RAYMOND B	
		ART UNIT	PAPER NUMBER	
		2682		
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/494,158	KOVACS, ERNO <i>[Signature]</i>
	<b>Examiner</b> Raymond B. Persino	<b>Art Unit</b> 2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by WEISER et al (US 5,485,634 A).

Regarding claim 1, WEISER et al discloses a mobile agent system for a communication unit of a communication system, with at least one mobile agent (element 44 of figure 3) comprising an allocated agent policy (element 70 of figure 3), in which migration parameters of the respective mobile agent are defined, migration control means (element 48 of figure 3) for controlling the migration behavior of a mobile agent in the communication system on the basis of a current migration policy of the mobile agent and current parameters of the communication system (column 7 line 64 to column 9 line 36).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses a policy managing

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means (element 48 of figure 3) for storing a system policy (element 48 of figure 3), in which migration behavior parameters for mobile agents of the mobile agent system are defined, and policy control means (element 74 of figure 3) for selecting the current migration policy of a mobile agent on the basis of the allocated agent policy of the mobile agent and the system policy (column 8 line 49 to column 10 line 4).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the system policy is a default system policy or an agent type specific policy (column 8 line 49 to column 10 line 4).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the policy control means selects the current migration policy of a mobile agent depending on the type of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that the policy control means selects the current migration policy of a mobile agent depending on additional priority parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 6, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that the policy control means selects the current migration policy of a mobile agent depending on weighting parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 7, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses by user input means for inputting a migration policy which is taken as the current migration policy for a mobile agent, whereby said policy control means always returns to a normal mode for the next migration policy to be selected (column 10 line 41 to column 11 line 46).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses by user input means for inputting a migration mode for the mobile agent system, whereby said input migration mode is kept by said policy control means until a new migration mode is input (column 10 line 41 to column 11 line 46).

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses user operation means for changing the allocated agent policy of a mobile agent, and/or the system policy (column 10 line 41 to column 11 line 46).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses an application programming interface connected to the migration control means for retrieving the current parameters of the communication system (column 7 line 64 to column 11 line 46).

Regarding claim 11, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that said migration control means decides on the basis of a comparison of the current migration policy of a

mobile agent and the current parameters of the communication system, if the migration of the mobile agent is allowed, suspended or rejected (column 7 line 64 to column 11 line 46).

Regarding claim 12, WEISER et al discloses a method for controlling a mobile agent system in a communication unit of a communication system, whereby the mobile agent system includes, at least one mobile agent (element 44 of figure 3) comprising an allocated agent policy (element 70 of figure 3), in which migration parameters of the respective mobile agent are defined, and the migration behavior of a mobile agent in the communication system is controlled on the basis of a current migration policy of the mobile agent and current parameters of the communication system (column 7 line 64 to column 9 line 36).

Regarding claim 13, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses storing a system policy (element 48 of figure 3), in which migration behavior parameters for mobile agents of the mobile agent system are defined, and selecting the current migration policy of a mobile agent on the basis of the allocated agent policy of the mobile agent and the system policy (column 8 line 49 to column 10 line 4).

Regarding claim 14, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the system policy is a default system policy or an agent type specific policy (column 8 line 49 to column 10 line 4).

Regarding claim 15, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that current migration policy of a mobile agent is selected depending on the type of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 16, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the current migration policy of a mobile agent is selected depending on additional priority parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 17, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the current migration policy of a mobile agent is selected depending on weighting parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 18, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that upon inputting a migration policy which is taken as the current migration policy for a mobile agent, the agent system always returns to a normal mode for the next migration policy to be selected (column 10 line 41 to column 11 line 46).

Regarding claim 19, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that upon inputting a migration mode for the mobile agent system, said input migration mode is kept until a new migration mode is input (column 10 line 41 to column 11 line 46).

Regarding claim 20, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses providing a user operation means for changing the allocated agent policy of a mobile agent and/or the system policy (column 10 line 41 to column 11 line 46).

Regarding claim 21, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses retrieving the current parameters of the communication system over an application programming interface (column 7 line 64 to column 11 line 46).

Regarding claim 22, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses deciding on the basis of a comparison of the current migration policy of a mobile agent and the current parameters of the communication system, if the migration of the mobile agent is allowed, suspended or rejected (column 7 line 64 to column 11 line 46).

3. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by LAPORTA et al (US 6,085,086 A).

Regarding claim 1, LAPORTA et al discloses a mobile agent system for a communication unit of a communication system, with at least one mobile agent comprising an allocated agent policy, in which migration parameters of the respective mobile agent are defined, migration control means for controlling the migration behavior of a mobile agent in the communication system on the basis of a current migration policy of the mobile agent and current parameters of the communication system (column 3 line 53 to column 7 line 58).

Regarding claim 12, LAPORTA et al discloses a method for controlling a mobile agent system in a communication unit of a communication system, whereby the mobile agent system includes, at least one mobile agent comprising an allocated agent policy, in which migration parameters of the respective mobile agent are defined, and the migration behavior of a mobile agent in the communication system is controlled on the basis of a current migration policy of the mobile agent and current parameters of the communication system (column 3 line 53 to column 7 line 58).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LIU (US 5,825,759 A) discloses distributing network services and resources in a mobile communications network.

BOYLE, III et al (US 5,717,747 A) discloses an arrangement for facilitating plug-and-play call features.

YATES et al (US 6,330,586 B1) discloses a reconfigurable service provision via a communication network.

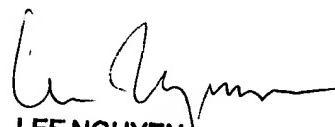
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino  
Examiner  
Art Unit 2682

RP



LEE NGUYEN  
PRIMARY EXAMINER